IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 6317 of 2004(B)

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PETITIONER:

V. RATNAKARAN, AGED 54 YEARS,
S/O. VELU, KUZHIVILA VEEDU,
VELLAR, KOVALAM P.O., TRIVANDRUM, CONDUCTOR,
KSRTC, CITY UNIT, TRIVANDRUM.

BY ADV. SRI.K.B.SURESH

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT
CORPORATION, REPRESENTED BY ITS
MANAGING DIRECTOR, TRANSPORT BHAVAN,
TRIVANDRUM.

2. STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, GOVT.SECRETARIAT,
TRIVANDRUM.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 6317/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE G.O.(MS)NO.22/85/GAD DT.9.1.1985 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 : TRUE COPY OF THE G.O.(P) NO.372/85/GAD DT.6.9.1985 ISSUED BY THE RESPONDENT NO.2.

EXT.P3 : TRUE COPY OF THE JUDGMENT IN O.P.NO.8171/2001, DT.16.10.03 OF THE HON'BLE HIGH COURT OF KERALA.

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 6317 OF 2004

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Dated this the 19th day of January, 2007

**JUDGMENT**

The petitioner who belongs to the Scheduled Caste has been appointed as conductor in KSRTC on 14.8.79 through employment exchange and continued in service till 22.12.79 when he was terminated. Once again on 2.7.83 he was recruited to KSRTC though employment exchange and continued till 9.2.87. On 9.2.87 his service in the KSRTC was regularized on the basis of the advice of the PSC. The petitioner submits that the Government of Kerala declared the year 1984-85 as the year of Harijans and as a measure of Harijan upliftment issued a Circular on 04.08.1984 specifying that all those SC/ST employees appointed provisionally through employment exchanges before 02.08.1984 will be retained in service even if it is necessary to create supernumerary posts for that purpose. Following this, Government issued Ext.P1 order dt.9.1.85 directing strict implementation of the above Circular. The Government has later issued Ext.P2 order on 6.9.85 directing initiation of action of regularising the provisional hands in service as on 2.8.1984 in concurrence of the PSC. The Director Board of the KSRTC has resolved on 21.12.86 to implement Ext.P2. Petitioner submits that the 1st respondent decided to

regularise his service only on 9.2.87 and that too only after he was regularised through the PSC. In all similarly placed institutions the scope and purport of the Government Circular dt.9.1.1985 was given full effect to and all concerned employees were regularised from 4.8.1984. Several representations submitted by the petitioner requesting that his regularisation with effect from 4.8.84 turned futile. Petitioner then referred to Ext.P3 judgment in WA No.2420 of 1998 which is to the effect that in the case of similarly placed employees they will be entitled to count service commencing from 6.9.85, the date of the Government Order. Ext.P4 judgment was obtained by a similarly circumstanced employee of the 1st respondent. The petitioner's grievance is that till date he has not been given regularisation as he is entitled in terms of Ext.P4 and the Government Order.

2. A detailed counter affidavit has been filed by the KSRTC raising various contentions. But when the case came up for consideration today, Sri.K.B. Suresh, learned counsel for the petitioner has placed before me copy of the judgment in OP No.8189 of 2001. I was informed that the petitioner in that OP was circumstanced exactly similar as the petitioner in the present case. Even though Sri.Johnson P. John learned Standing Counsel of the Corporation sought for time, having gone through the records relating to the other cases and having considered the records in this case, I do not find any reason as to why the relief given in OP No.8189 of 2001 to the petitioner therein should

be denied to the present petitioner. By GO(P) No. 372/85/GAD dt.6.9.1985 the Government had directed all Heads of Departments and appointing authorities to allow all provisional employees belonging to Scheduled Castes/Scheduled Tribes an d who were in service as on 2.8.1984 to continue in service, even after expiry of their term of 180 days, until further orders. A Division Bench of this Court in WA No.2420 of 1998 held that the provisional employees belonging to Scheduled Castes/Scheduled Tribes who were in service as on 2.8.1984 are entitled to get their services regularised with effect from 6.9.1985, the date of the GO. Identical matters whenever came up before this Court were allowed especially OP No. 2744 of 2002 and connected cases, I am of the view that there is no reason why the directions in OP No.2744 of 2002 should not be issued in this case also.

Therefore this Writ Petition will stand allowed. KSRTC is directed to regularise the service of the petitioner with effect from 04.08.1984 and grant him all consequential benefits within three months of date of receipt of a copy of this judgment. No costs.

**PIUS C. KURIAKOSE, JUDGE**

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